

Douglas F. Foley, WSBA #13119
e-mail: doug.foley@dougfoleylaw.com
Kevin M. Sampson, WSBA #24162
e-mail: kevin.sampson@dougfoleylaw.com
Alayna L. Nicholes, WSBA #40993
e-mail: alayna.nicholes@dougfoleylaw.com
Foley Sampson & Nicholes, PLLC
13115 N.E. 4th Street, Suite 260
Vancouver, Washington 98684
Telephone: 360.883.0636
Facsimile: 360.944.6808
Attorneys for Defendant

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHON PELLEY, an individual,

Plaintiff,

Civil No. 3:21-cv-05739

v.

ALLSTATE FIRE AND CASUALTY
INSURANCE COMPANY, a corporation
that is a Citizen of the State of Washington,

NOTICE OF REMOVAL OF ACTION
UNDER §§ 28 USC 1441(b)

DIVERSITY ACTION

Defendant.

TO: The Judges and the Clerk of the United States District Court for the Western
District of Washington at Tacoma; Plaintiff and his attorney Scott F. Kocher

Please take notice that pursuant to 28 USC §§ 1441 and 1446, Defendant Allstate Fire and Casualty Insurance Company (“Allstate”) hereby removes the Clark County Superior Court action described below to the United States District Court for the Western District of Washington at Tacoma. In support thereof, Allstate states as follows:

1. On or about September 17, 2021, Chon Pelley (“Plaintiff”) filed a civil action in Clark County Superior Court for the State of Washington, Case No. 21-2-01778-06,

entitled *Chon Pelley v. Allstate Fire and Casualty Insurance Company*.

2. Allstate was served on September 27, 2021. As of the date of the filing of this Notice of Removal, thirty days have not elapsed from the time this matter first became removable.

3. This is a civil action alleging a claim for breach of contract under the Allstate insurance policy and additional extra-contractual causes of action.

4. Venue is proper in the U.S. District Court for the Western District of Washington at Tacoma.

5. In the Complaint, Plaintiff alleges that he resides in Cowlitz County, Washington. Plaintiff is a citizen of Washington. Plaintiff alleges Allstate conducts the business of insurance in the State of Washington. Allstate Fire and Casualty Insurance Company is incorporated in the State of Delaware and its principal place of business is in Delaware. Allstate Fire and Casualty Insurance Company is deemed a citizen of the State of Delaware. There is diversity of citizenship.

6. The claims alleged in the Complaint exceed \$75,000.

7. The action is one in which the United States District Court is given original subject matter jurisdiction by reason of diversity of citizenship and the requisite amount in controversy. 28 USC § 1332.

8. Removal to federal court is appropriate in any civil action brought in state court over which the federal district court has original jurisdiction. 28 USC § 1441.

9. Allstate was served with Summons and Complaint less than thirty days prior to the date of this Notice.

10. The service of process and pleadings served upon Allstate in this action consist of the Service of Process Transmittal form showing the date of service and the Summons and Complaint. True copies of these pleadings are attached hereto as Exhibit 1 and by this reference are incorporated herein. A copy of the answer filed by Allstate in Clark County

Superior Court is attached as Exhibit 2.

11. Pursuant to 28 USC § 1446(d), copies of this Notice of Removal are being served upon the attorney representing Plaintiff and are being filed with the Clerk of the Superior Court for Clark County, Washington.

12. By filing this Notice of Removal, Allstate does not waive, and expressly reserves, all rights, defenses, or objections of any nature that they may have to Plaintiff's claims.

DATED this 5th day of October, 2021.

FOLEY SAMPSON & NICHOLLES, PLLC

By /s/ DOUGLAS F. FOLEY
Douglas F. Foley, WSBA #13119
E-mail: doug.foley@dougfoleylaw.com

By /s/ KEVIN M. SAMPSON
Kevin M. Sampson, WSBA #24162
E-mail: kevin.sampson@dougfoleylaw.com

By /s/ ALAYNA L. NICHOLLES
Alayna L. Nicholes, WSBA #40993
E-mail: alayna.nicholes@dougfoleylaw.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that, on the date indicated below, I caused a true copy of the foregoing document to be mailed, with first class postage prepaid, to:

Scott F. Kocher
Forum Law Group
811 SW Naito Pkwy., Ste. 420
Portland, OR 97204-3334
Of Attorneys for Plaintiff

DATED this 5th day of October, 2021.

/s/ DOUGLAS F. FOLEY

Douglas F. Foley, WSBA #13119
Kevin M. Sampson, WSBA# 24162
Alayna L. Nicholes, WSBA #40993

104/7128